

***Law Offices of
Daniel A. Hochheiser***


Attorney At Law
2 Overhill Road, Suite 400
Scarsdale, New York 10583
dah@hochheiser.com
(646) 863-4246

October 22, 2020

Via ECF and email
Hon. Nelson S. Román
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Dated: 10/23/2020
White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

Re: *Waterkeeper Alliance, Inc. v. Spirit of Utah Wilderness, Inc.*, 10 CV 1136 (NSR-LMS)
REQUEST FOR EXTENSION OF TIME TO SURRENDER,
OR PURGE CIVIL CONTEMPT, AND RELIEF FROM PRIOR ORDERS

Your Honor:

By ECF document 201, filed 09/25/2020, Your Honor extended Jeffrey Salt's date to surrender to the U.S. Marshalls for the Southern District of New York, located at 300 Quarropas Street, White Plains, N.Y., until October 29, 2020.

My client, **Jeffrey Salt**, requests an extension of the surrender/purge date currently scheduled for October 29, 2020 **to a date on or after November 30, 2020**. Mr. Salt, a non-party to the underlying case, is currently present in the State of Utah. Utah is among the states covered by Governor Cuomo's travel advisory. <https://coronavirus.health.ny.gov/covid-19-travel-advisory>. Therefore, travelers from Utah to New York are required to quarantine for 14 days upon arrival in New York. This travel restriction which includes the State of Utah "is based upon a seven day rolling average, of positive tests in excess of 10%, or number of positive cases exceeding 10 per 100,000 residents."

Given the COVID-19 pandemic and the significant COVID-19 issues extant in the State of Utah, which could pose a risk of infection to residents of New York, including the Federal Marshalls, New York inmates, correction officers and others, including Salt, Salt requests an extension of the surrender/purge date to a date on or after November 30, 2020.

Moreover, pursuant to Rule 60 of the Federal Rules of Civil Procedure, Salt requests relief from the Court's prior default and contempt orders, until such time as: (i) this Court

The application to extend Jeffrey Salt's time to surrender or purge himself of civil contempt, pursuant to this Court's order dated January 22, 2020 (ECF No. 171), is granted. Jeffrey Salt is directed to surrender or purge himself of civil contempt by November 30, 2020. Jeffrey Salt must continue to comply with all other aspects of the Court's January 22, 2020 order and continue to take all steps to avoid any conduct determined by the Court to be contemptuous. The Clerk of the Court is kindly requested to termination the motion at ECF No. 202.

MEMO ENDORSED

decides his outstanding Rule 59(e) motion (ECF 176)¹, (ii) the Second Circuit lifts stays of Salt's appeal of this Court's contempt orders (ECF 186) and (ECF 194), and (iii) the COVID-19 risk of cross-country travel (and imprisonment) to Salt is decreased and brought under control.

This application should be granted in the interest of justice and to ensure my client's rights to due process. An adjournment of at least 30 days makes sense given the ongoing COVID-19 pandemic which makes travel from Utah to New York risky, and could unnecessarily expose Salt, a 61-year-old man, to the virus².

Respectfully submitted,



Daniel A. Hochheiser

Cc: all counsel via ECF

¹ In the event this Court grants the outstanding Rule 59(e) motion, this Court would necessarily be required to vacate the prior default and contempt orders (ECF 100, 135, 160, 171, 183, 187, 189, 194) concerning Salt.

² On March 17, 2020, Salt was treated at the Emergency Department of St. Mark's Hospital in Salt Lake City, UT for cough, shortness of breath, and fever; he was diagnosed with influenza-like symptoms.